

Authority: Toronto and East York Community Council
Item ●, adopted as amended, by City of Toronto Council on ●, 2023

CITY OF TORONTO

BY-LAW #####-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 111 and 141 Davisville Avenue.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas pursuant to Section 39 of the *Planning Act*, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions, except as otherwise provided.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.2.10 respecting the lands outlined in heavy black lines from a zone label of R (d.06) (x913) to a zone label of R (d.06) (x###), as shown on Diagram 2 attached to this by-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number ### so that it reads:

(###) Exception R ###

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On lands municipally known in the year 2022 as 111 and 141 Davisville Avenue, if the requirements of By-law #####-2023 **[Clerks to provide number]** are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations [\(B\)](#) to [\(PP\)](#) below;
- (B) The **lot** consists of the lands delineated by heavy lines on Diagram 1 attached to By-law #####-2023 **[Clerks to provide number]**.

- (C) The **buildings** and **structures** permitted on the **lot** include "Building A" and "Building B" as shown on Diagram 3 to By-law #####-2023 **[Clerks to provide number]** as follows:
- i. for the purpose of this Regulation, "Building A" means an addition to Building B on the **lot** as shown on Diagram 3, including **ancillary structures** and portions below ground; and
 - ii. for the purpose of this Regulation, "Building B" means the existing **apartment building** municipally known as 141 Davisville Avenue as shown on Diagram 3, as well as uses, **ancillary structures**, including portions below ground and an underground parking garage, and enclosed garage entry ramp, located on the **lot** in the year 2022, and subject to alterations and internal modifications permitted by [\(M\)\(ii\)](#) below;
- (D) In addition to the permitted uses in Clause 10.10.20.20, the following non-residential uses are permitted in an **apartment building** on the **lot**, if they comply with the specific conditions associated with the reference number(s) for each use in Clause 10.10.20.100 as referred to below: **[NTD to City: we are seeking some non-residential use permissions that might be occupied within the under-utilized P3 level of the existing apartment building. The proposed non-residential uses are similar to those that are permitted in the RAC zone. The non-residential uses are intended to serve the residents of both Building A and Building B.]**
- i. **public parking** facility;
 - ii. **market garden** subject to the following:
 - A. a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale;
 - iii. **recreation use** subject to the following:
 - A. they are not located above the first **storey** of an **apartment building**;
 - B. the uses may not occupy, in total, more than 50% of the **interior floor area** of the first **storey** in that **apartment building**;
 - C. the total **interior floor area** of the uses may not exceed 400 square metres for the first 100 **dwelling units** on the **lot**, which may be increased by 50 square metres of **interior floor area** for each additional 25 **dwelling units** in excess of 100, to a maximum of 1,000 square metres of **interior floor area**;
 - D. the **interior floor area** of an individual establishment may not exceed 200 square metres; and
 - E. the calculation of total **interior floor area** is reduced by the same **building** areas as provided for in the calculation of **gross floor**

area for an **apartment building** in regulation 10.5.40.40.(4) and [\(N\)](#) below; and

- iv. **Pet Services** subject to regulation [\(D\) iii.](#) A. to E. above;

ACCESS TO LOT

- (E) Despite Regulation 10.5.100.1(4), any **driveway** on the **lot**, existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], are deemed to comply;
- (F) Despite Regulation 10.5.100.1(5) with respect to driveway access to **apartment buildings** does not apply;

PRINCIPAL BUILDING REQUIREMENTS

- (G) Regulation 10.10.40.1(5) with respect to **building** orientation to a **street** does not apply;
- (H) Regulation 10.10.40.30(1) with respect to **building depth** does not apply;

HEIGHT

- (I) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 154.0 metres and the elevation of the highest point of the **building** or **structure**;
- (J) For the purpose of this Exception, none of the following **building** elements are considered a **storey**:
- i. a partial level of a **building** located between the Canadian Geodetic Datum elevation of 154.0 metres and 161.0 metres; and
 - ii. a mechanical penthouse;
- (K) Despite Regulations 10.5.40.10(3) and (4), and 10.10.40.10(1), (7), (9), and (10), the permitted maximum **building** height of Building A as shown on Diagram 3 attached to By-law #####-2023 [**Clerks to provide number**], inclusive of mechanical penthouse, is the numerical value in metres following the HT symbol, with the exception of the following permitted projections:
- i. light fixtures;
 - ii. awnings, canopies, eaves, parapets, **structures** used for maintenance, safety, or noise, window washing equipment, stacks and their associated enclosures, airwell, water supply facilities, roof ladder, emergency generators, stairs, enclosed stairwells, guards, guardrails, roof access, maintenance equipment storage, electrical, utility, mechanical equipment and their exhaust, ventilation, landscape and public art features, planters, trellises, privacy screens, railings, retaining walls, ramps, underground garage ramps and their associated **structures**, bicycle parking facilities, bollards, **structures** used for safety or wind protection, elevator machine

room and overruns, elevator shafts and **structures** that enclose, screen or cover such elements, chimneys, pipes, and vents, may project up to a maximum of 6.5 metres; and

- iii. **structures** on any roof used for outside or open air recreation, including **amenity space**, and for maintenance, safety, wind protection or **green roof** purposes, may project up to a maximum of 4.5 metres;
- (L) The permitted maximum height of Building B as shown on Diagram 3 of By law #####-2023 [**Clerks to provide number**] is the height of such **building**, inclusive of all rooftop projections, as it existed on the **lot** at the time of the passing of By-law #####-2023 [**Clerks to provide number**], [**NTD to City: we do not have the approved drawings, and suggest to permit the building as it currently exists. No addition to height to the existing building is proposed.**]

FLOOR AREA

- (M) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is as follows:
- i. the total **gross floor area** of Building A, as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**], must not exceed 25,000 square metres;
 - ii. the **gross floor area** of Building B shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**] must not exceed the **gross floor area** existing therein at the time of the passing of By-law #####-2023 [**Clerks to provide number**], plus any alterations and internal modifications thereto, up to a combined maximum **gross floor area** of 300.0 square metres; [**NTD to City: We request some additional GFA to the existing building to permit potential future improvements to the existing building.**]
 - iii. In addition to [\(M\)\(ii\)](#) above, the total **gross floor area** for non-residential uses of Building B, as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**], must not exceed 1,200 square metres; [**NTD to City: The applicant would like to protect for future opportunity to introduce non-residential uses within the underutilized portion of the P3 level of the existing building.**]
- (N) In addition to the elements which reduce **gross floor area** listed in Regulation 10.5.40.40.(4), and despite Regulations 10.5.40.40.(4)(C) and (E) and 970.30.15.10(1), the following areas also reduce the **gross floor area** of a **building**:
- i. any non-structural architectural grid system or ornamental features that are attached to and project from the **main wall** of a **building**, or any areas that are partially enclosed by such features; [**NTD to City: the projecting non-structural grid system or ornamental features will not be main walls, as defined in 569-2013. In the past, we've had the experience of the areas between such projecting architectural features interpreted as GFA, and we are trying to clarify that these areas are not main walls,**

to avoid future mis-interpretations. Similar language has been accepted by the City in other by-laws.];

- ii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
- iii. indoor **amenity space**;
- iv. the area of a void in a floor if there is a vertical clearance of more than 4.5 metres between the top of the floor below the void and the ceiling directly above it;

AMENITIES

- (O) Despite Regulation 10.10.40.50(1), a minimum of 3.5 square metres of **amenity space** must be provided for each **dwelling unit** in Building A as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**], of which:
 - i. a minimum of 1.5 square metres per **dwelling unit** must be provided as indoor **amenity space**;
 - ii. a minimum of 40 square metres is outdoor **amenity space** in a location adjoining or is directly accessible to the indoor **amenity space**;
 - iii. no more than 25% of the outdoor component may be a **green roof**; and
 - iv. pet friendly amenities and bicycle/stroller wash rooms are included in the calculation of **amenity space**;

SETBACKS

- (P) Despite Clause 10.5.40.70 and 10.10.40.70, the required minimum **building setbacks** of **buildings** or **structures** above ground are as shown in metres on Diagram 3 of By-law #####-2023 [**Clerks to provide number**];
- (Q) Despite Clause 10.10.40.80, the required separation of **main walls** of **buildings** or **structures** above ground are as shown in metres on Diagram 3 of By-law #####-2023 [**Clerks to provide number**];
- (R) Despite Regulations 10.5.40.50(2), Clause 10.5.40.60, and [\(P\)](#) and [\(Q\)](#) above, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:
 - i. lighting fixtures, railings, eaves, privacy screens, planters, stairs, enclosed stairwells, ramps to underground parking areas and associated **structures**, bollards, safety railings, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities, **structures** used for safety or wind protection purposes, window washing equipment, and landscape and public art features;

- ii. canopies, awnings, and balconies to maximum horizontal may project up to a maximum of 2.0 metres; and
 - iii. architectural or ornamental features/panels, cladding, sills, cornices, all of which may project up to a maximum of 0.5 metres beyond the **main walls** of Building A as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**];
- (S) Non-structural architectural grid system, architectural or ornamental features or panels, and cladding permitted by (R)(iii) above, including the areas that may be fully or partly enclosed by such features, are not **main walls**;

YARDS

- (T) Regulations 10.5.50.10(4) and (5), with respect to **landscaping** and **soft landscaping** do not apply;

PARKING

- (U) **Parking spaces** for residents and visitors may be provided on a non-exclusive basis for the visitors of Building A and Building B, and within a **public parking** facility on the **lot**;
- (V) Despite Regulation 200.5.1(2), **parking spaces** for residents of Building B may be provided within the existing **building** located at 111 Davisville;
- (W) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the total number of **parking spaces** provided may have a minimum required **parking space** width of 2.6 metres with or without a fixed object or obstruction within 0.3 metres of one or both sides of the **parking space**, measured at right angles;
- (X) Car share **parking spaces** are permitted;
- (Y) For the purpose of this Exception,
- i. “Car share” or “car sharing” means the practice where a number of people share the use of one or more motor **vehicles** that are owned by a profit or non-profit “car-sharing” organization and where such organization may require that use of motor **vehicles** be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the “car-sharing” organization, including the payment of a membership fee that may or may not be refundable;
 - ii. “Car share **parking space**” means a **parking space** exclusively reserved and signed for a motor **vehicle** used only for “car-share” purposes;
- (Z) Despite Regulation 200.5.1(3), any **drive aisles** on the **lot**, existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], are deemed to comply;
- (AA) Despite Regulations 200.5.1.10 (2), (3), (12), (14) and (CC) below, any **vehicle** access to a **building**, a **parking space** and an accessible **parking space** on the

lot existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], that has dimensions that are lesser than the minimum required or greater than the maximum dimensions permitted, and which may not be equipped with an **energized outlet**, is deemed to comply;

- (BB) Despite Regulation 200.5.1.10(2)(D), electric **vehicle** infrastructure, including electrical vehicle supply equipment or an **energized outlet**, does not constitute an obstruction to a **parking space**;
- (CC) Regulation 200.5.10.11(1)(C) as it relates to **parking space** requirements for a **lawfully existing building** does not apply;
- (DD) Despite Regulations 200.15.1 (1) and (3), accessible **parking spaces** must comply with the following provisions:
 - i. an accessible **parking space** must have the following dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres; and
 - ii. a 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;
- (EE) Regulation 200.15.1(4) as it relates to the location of accessible **parking spaces** does not apply;

LOADING

- (FF) Despite Regulation 220.5.1.10(8), the **loading space** on the **lot** serving Building B, existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], that has dimensions that are lesser than the minimum required, such **loading space** is permitted and such **loading space** may satisfy the requirements of Regulations 220.5.1.10(6), and 220.5.10.1(1) and (2);
- (GG) Despite Regulation 220.5.10.1(2), a minimum of one Type "G" **loading space** must be provided in Building A as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**];
- (HH) Despite any provision of this Exception or By-law 569-2013, as amended, **drive aisles, driveways** and ramps existing as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], may be maintained, and are deemed to comply with the provisions of By-law 569-2013, as amended;
- (II) Despite Regulations 220.5.20.1(1), (2) and (3), any **loading space** access and **driveway** access thereto on the **lot**, as existing at the time of the passing of By-law #####-2022 [**Clerks to provide number**] are deemed to comply;

BICYCLE PARKING

- (JJ) Despite Regulation 230.5.1.10(9), a required “long-term” **bicycle parking space** for a **dwelling unit** may be located:
 - i. on the first **storey** of the **building**;
 - ii. on the partial level located between the first **storey** and the second **storey** of the **building**; and
 - iii. on levels of the **building** below-ground;
- (KK) Despite Regulation 230.5.1.10(10), a “short-term” and a “long-term” **bicycle parking space** on the **lot** may be located in a **stacked bicycle parking space**;
- (LL) Despite Regulation 230.5.10.1(5), **bicycle parking spaces** must be provided and maintained on the **lot** for **dwelling units** in Building A as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**] in accordance with the following:
 - i. A minimum of 0.9 “long-term” **bicycle parking spaces** per **dwelling unit** in Building A; and
 - ii. A minimum of 0.1 “short-term” **bicycle parking spaces** per **dwelling unit** in Building A;
- (MM) Regulation 230.10.1.20(2) with respect to the location of “short-term” **bicycle parking spaces** relative to a **building** entrance does not apply;
- (NN) Despite Clause 230.5.1.10 and Regulation 230.5.10.1(5), a **bicycle parking space** existing on the **lot** as of the date of the passing of By-law #####-2023 [**Clerks to provide number**], is deemed to comply with the requirements of By-law 569-2013, as amended;
- (OO) Regulation 230.5.10.20(1) as it relates to payment-in-lieu of bicycle parking does not apply;
- (PP) Despite any Regulation of this Exception and of By-law 569-2013, as amended, Building B shown on Diagram 3 of By-law #####-2022 [**Clerks to provide number**] may be occupied by residents during construction of Building A without the provision of required **parking spaces, loading spaces, bicycle parking spaces and landscaping**;

Prevailing By-laws and Prevailing Sections: (none)

- 5. Despite any existing or future severance, partition or division of the **lot** shown on Diagram 1 of By-law #####-2023 [**Clerks to provide number**] the provisions of this By-law and By-law 569-2013, as amended, shall apply to the whole of the **lot** as if no severance, partition or division had occurred.
- 6. Temporary Use:
 - (A) None of the provisions of this Exception, or By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales, leasing or construction office, which is a temporary **building, structure**, facility, or trailer or portion thereof on

the lands used exclusively for the purpose of marketing or sale of **dwelling units** in Building A as shown on Diagram 3 of By-law #####-2023 [**Clerks to provide number**].

Enacted and passed on ●, 2023.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk

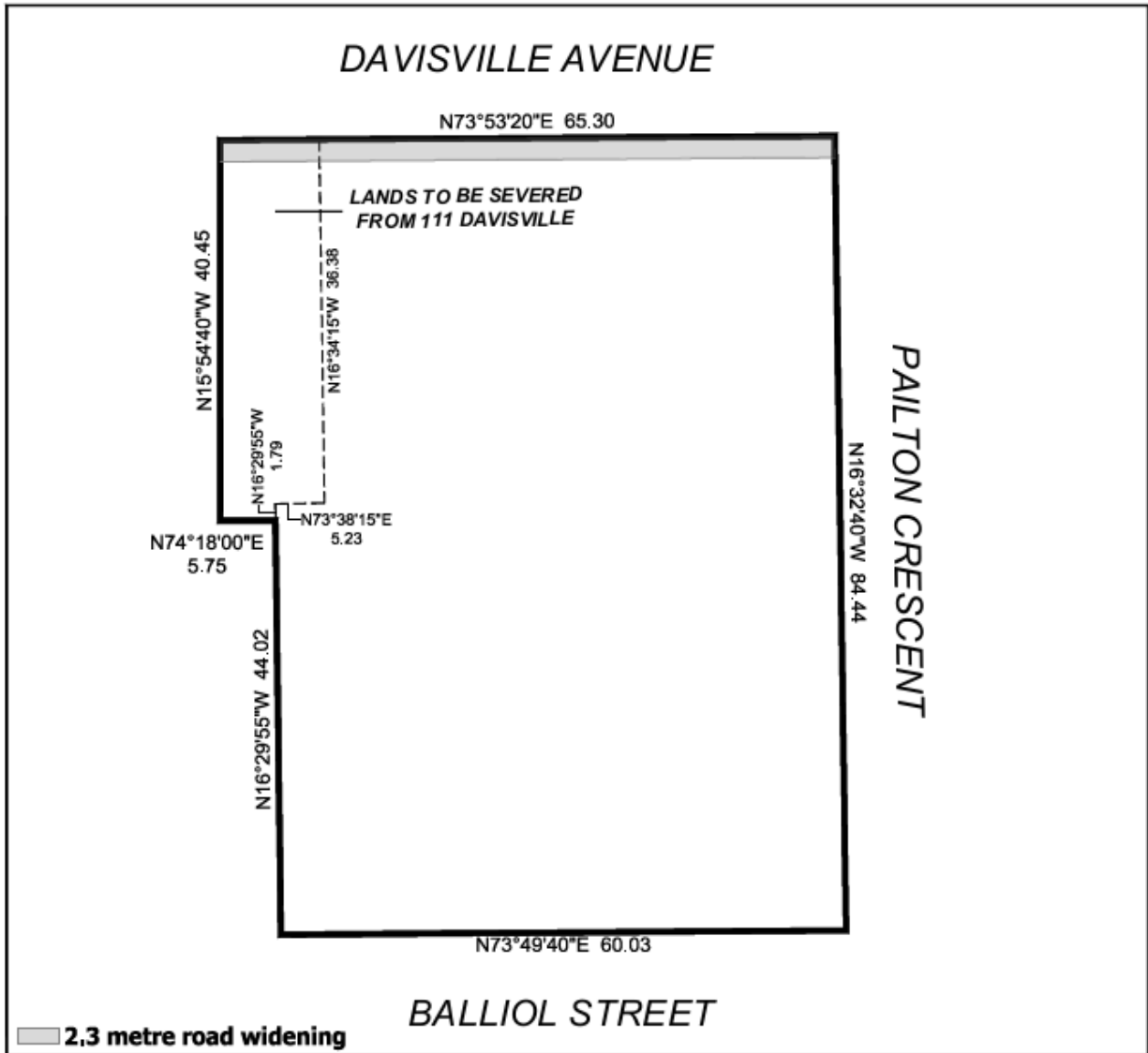


Diagram 1

111-141 Davisville Avenue

File #22 165979 STE 12 OZ



Not to Scale

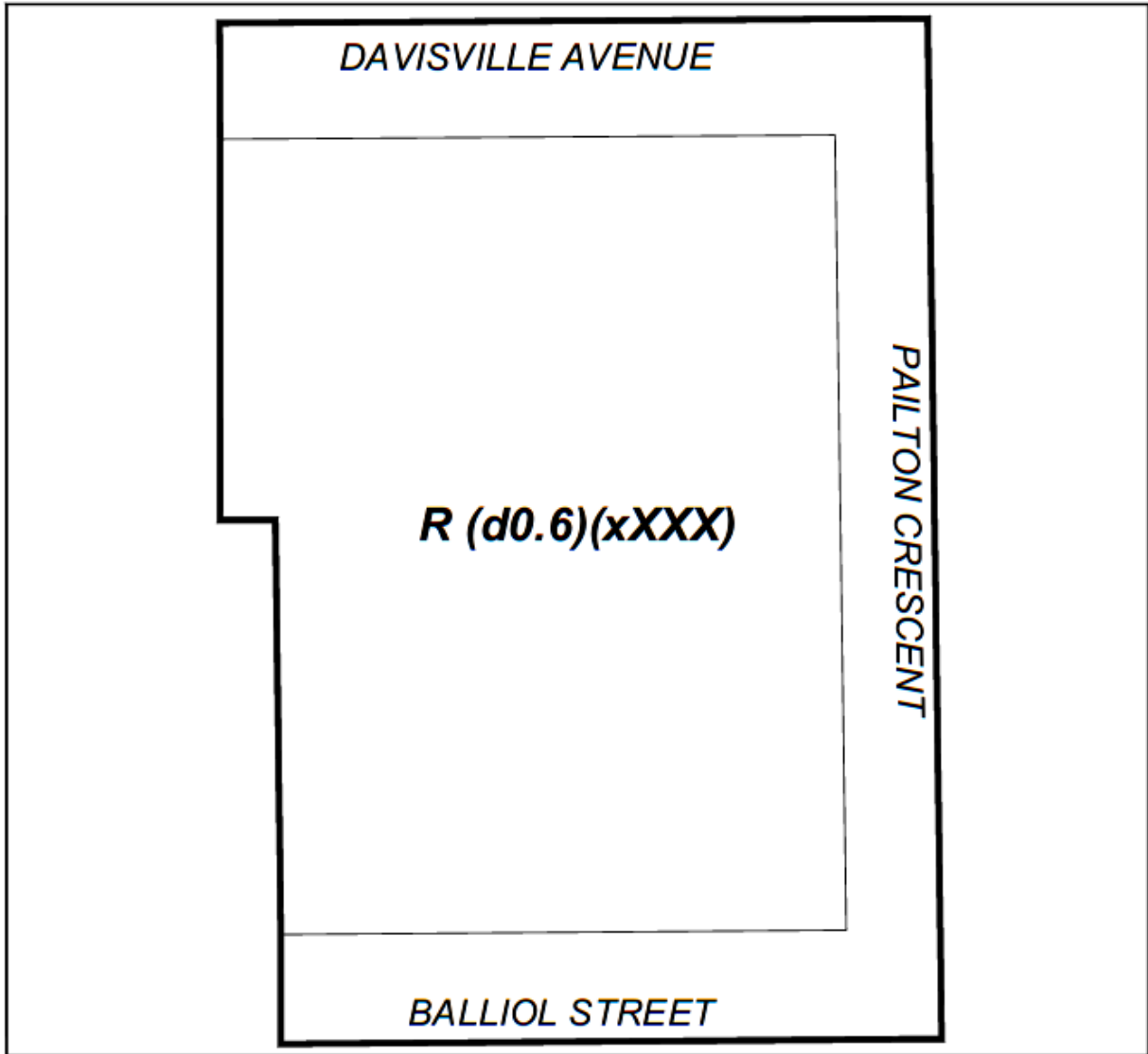


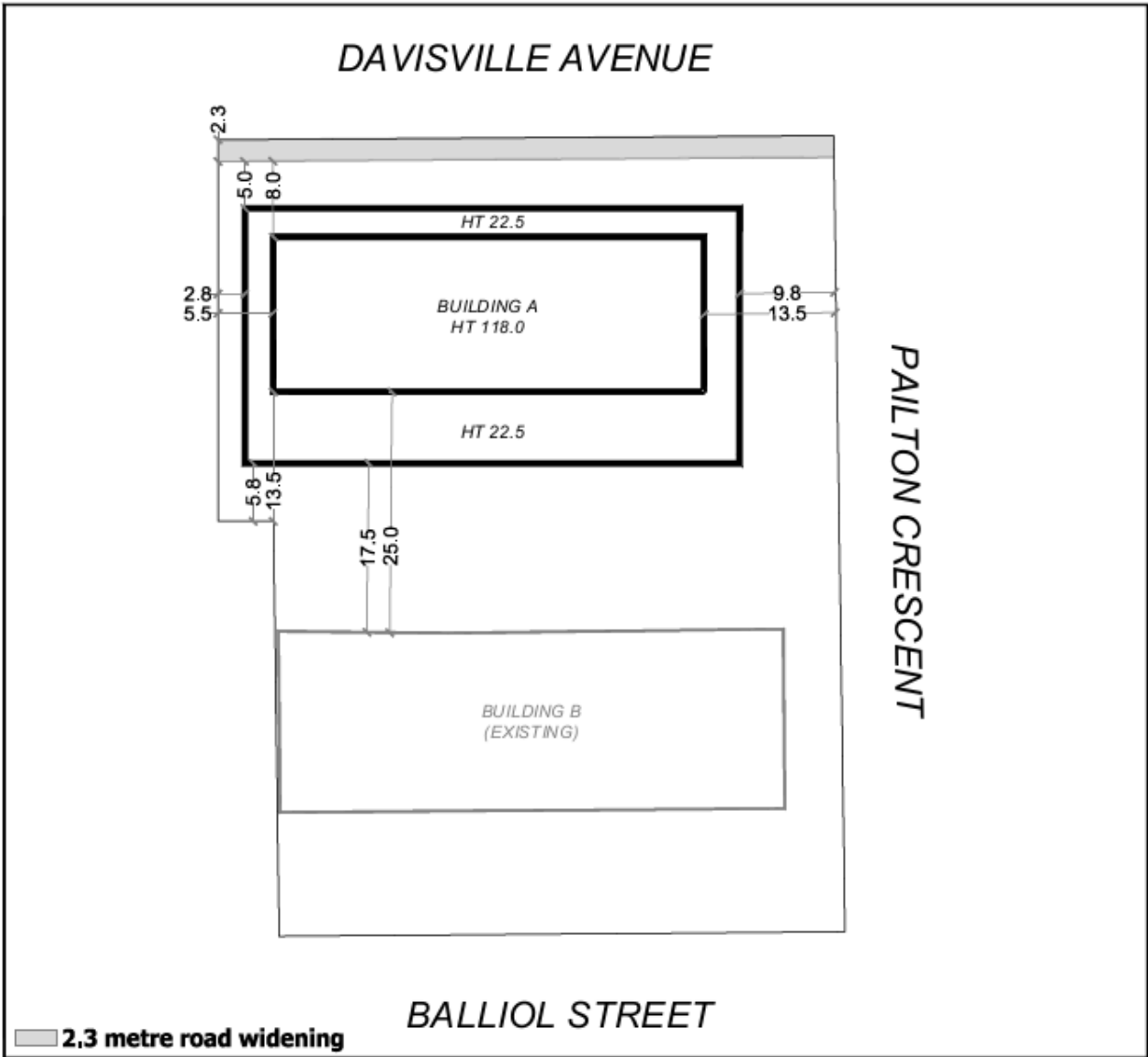
Diagram 2

111-141 Davisville Avenue

File #22 165979 STE 12 OZ



Not to Scale



2.3 metre road widening



Diagram 3

111-141 Davisville Avenue

File #22 165979 STE 12 OZ

